

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DEFENDANTS PUREPAC PHARMACEUTICAL CO.'S AND ALPHARMA INC.'S
RULE 12(C) MOTION AND JOINDER IN MOTION
FOR JUDGMENT ON THE PLEADINGS
DISMISSING PLAINTIFFS' WILLFUL INFRINGEMENT CLAIM OR, IN THE
THE ALTERNATIVE, TO BIFURCATE AND STAY DISCOVERY ON SUCH CLAIM

Defendants Purepac Pharmaceutical Co. and Alpharma, Inc., by and through their undersigned counsel, hereby move this Court pursuant to Fed. R. Civ. P. 12(c) for an Order substantially in the form attached hereto dismissing Plaintiffs' willful infringement claim or, in the alternative, to bifurcate and stay discovery on such claim. Defendants Purepac Pharmaceutical Co. and Alpharma, Inc. join in Defendant Mylan's Rule 12(c) Motion for Judgment on the Pleadings Dismissing Plaintiffs' Willful Infringement Claim or, in the Alternative, to Bifurcate and Stay Discovery on Such Claim (D.I. 57) and incorporate by reference herein the Motion, Memorandum (D.I. 58) and Compendium (D.I. 59) in support of the Motion filed by Defendant Mylan. The issues raised in both motions are identical.

December 28, 2005

THE BAYARD FIRM

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

IN RE: '318 PATENT INFRINGEMENT LITIGATION) C.A. No. 05-356 (KAJ)
) (consolidated)

ORDER

The Court having considered Defendants Purepac Pharmaceutical Co. and Alpharma, Inc.'s Rule 12(c) Motion for Judgment on the Pleadings Dismissing Plaintiffs' Willful Infringement Claim or, in the Alternative, to Bifurcate and Stay Discovery on Such Claim and the parties' arguments in support and opposition thereof,

IT IS HEREBY ORDERED this ____ day of _____, 200_ that the Motion is GRANTED.

United States District Court Judge

CERTIFICATE OF SERVICE

The undersigned counsel certifies that, on December 28, 2005, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:

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